IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 577 OF 2006

SMT. SANYOGITA KASHINATH SHETYE ....Petitioner
THROUGH HER POWER OF ATTORNEY
SHRI. KASHINATH J. SHETYE

Versus

LOCAL(HEALTH) AUTHORITY CUM ....Respondents
LICENSING AUTHORITY AND ANR.,

Mr. S.D. Lotliar, Sr. Advocate for the petitioner.

Mr.S.S. Kantak, AG with Ms.R. Chodankar, AGA for respondents no.1 and 2.

Shri J.P.Mulgaonkar, Advocate for respondent no.3.

Coram:- J. N. PATEL &
N. A. BRITTO, JJ.

Date:- 12th December, 2006

P.C.

1. Heard.

2. The petitioner has approached this Court seeking relief of issuing direction to the Panchayat to issue N.O.C. as per order of the B.D.O. in Appeal No.62/Appl/Pilerne-Marra/2005-06 dated 7.2.2006 and order dated Case no. DDPN/MISC/REV/PILERNE/1/2006 dated 24.11.2006 to issue no objection certificate for Fast Food Centre and Eating House as per the application dated 7.2.2006.

3. In response to the notice, the learned Counsel appearing for the respondent/Panchayat submits that respondent no.3 Village Panchayat of

Pilerne Marra states that the respondent will give N.O.C. in terms of the order passed by the B.D.O. which has been upheld by the Deputy Director of Panchayat, North Goa, Panaji in Revision Case No.DDPN/MISC/REV/PILERNE/7/2005 & Revision Case No.DDPN/MISC/REV/PILERNE/1/2006 preferred by the respondent no.3.

4. But during the process of verifying the premises for which N.O.C. is required, it was noted that there is unauthorised construction carried out by owners of the property in which the petitioner wants to start Chinese Fast Food Centre and as there is unauthorised construction carried out by the owners of the premises, such N.O.C. could not have been issued.

5. It is further submitted that the petitioner on behalf of the owners has preferred two appeals no.85/2005 and appeal no.86/2005 before the Additional Director of Panchayat (II) and therefore the respondent no.3 would issue a conditional N.O.C. and that the N.O.C. would be subject to the decision of the two Panchayat Appeals preferred by the petitioner for starting Chinese Fast Food Centre (Eating).

6. In our view, this statement made on behalf of respondent no.3 is just and proper in the facts and circumstances of the case.

7. The learned Counsel for the respondent no.3 submits that he has made this statement seeking instruction from the Secretary of respondent no.3 Village Panchayat of Pilerne who is personally present in the Court.

8. We are therefore disposing of this petition with direction to the respondent no.3/Village Panchayat of Pilerne to issue conditional N.O.C. in terms of the statement made, within a period of one week from the date of this Order.

9. The petition stands disposed of accordingly.

10. Authenticated copy be issued to the parties.

J. N. PATEL, J.

N. A. BRITTO, J.

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